

# SIKKIM

## GOVERNMENT

## GAZETTE



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

---

Gangtok	Thursday 31 <sup>st</sup> December, 2015	No. 484
---------	--	---------

---

GOVERNMENT OF SIKKIM  
DEPARTMENT OF FOREST, ENVIRONMENT & WILDLIFE MANAGEMENT  
GANGTOK

NO.GOS/FEWMD/PR.SECY-cum-PCCF/231

Dated: 24/12/2015

### NOTIFICATION

In exercise of the powers conferred by Section 31 read with sub-section (1) of Section 83 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (6 of 1988), the State Government hereby makes the following rules, namely:-

**1. Short title, extent and commencement:-**

- (1) These rules may be called the Sikkim Forest Levy of Natural Water Tax Rules, 2015.
- (2) They shall extend to the whole of Sikkim.
- (3) They shall come into force on the date of their publication in the Official Gazette.

**2. Definition:** In these rules, unless the context otherwise requires, -

- (1) (a) "Act" means the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988;
- (b) "Categories of industries" means the categories of industries as may be notified by the Department of Commerce and Industries, Government of Sikkim;
- (c) "Competent authority" means the Authority appointed as such in the Forests, Environment and Wildlife Management Department, Government of Sikkim;
- (d) "forest land" means the land shown as forest land in the record of rights including areas under perpetual snow, alpine, scrubs or alpine pasture or the land as declared as forest land by the Government, by notification;
- (e) "Form" means the form appended to these rules;
- (f) "Government" means the State Government of Sikkim;

- (g) "industry" means and includes any industry in operation or process, or treatment and disposal system, which consumes natural water or gives rise to sewage effluent or trade effluent;
- (h) "natural water" means water sources originating from any forest area or any natural area or forest land within Sikkim and includes water of rivers, streams and rivulets;
- (i) "notification" means the notification published in the Official Gazette;
- (j) "reserved forest" means any forest land settled and notified by the Government as reserved forest;
- (k) "Quality Control Laboratory" means the laboratory for control of quality of water for nutritional facts and other standards;
- (l) "river" includes any stream, channel, jhora, creek or other channel, natural or artificial;
- (m) "Schedule" means the Schedule appended to these rules;

- (2) Words and expressions used herein and not defined but defined in the Act shall have the same meaning as respectively assigned to them in the Act.

### **3. Power of State Government to exempt industry from the levy of Natural Water Tax**

The State Government may, by notification in the Official Gazette, exempt any industry, consuming water below the quantity specified in the notification from time to time, from the levy of Natural Water Tax.

### **4. Power of State Government to levy Natural Water Tax**

- (1) The natural water tax payable by the user for the use of any water source for the commercial purpose under the Act shall be as specified in the Schedule.
- (2) The Conservator of Forests (Territorial) shall, after verification of the requirement and availability of natural water and considering the need to regulate its extraction obtain the approval of the Government to impose natural water tax as specified in the Schedule.

### **5. User to apply for the commercial use of natural water**

Any user may apply for the commercial use of natural water to the Conservator of Forests (Territorial) in Form I to be accompanied by such application fee as may be notified by the Government from time to time

### **6. Intimation to Applicant**

After obtaining approval of the Government, the Conservator of Forests (Territorial) shall communicate to the user the natural water tax and security deposit amounting to 3 (three) months' tax equivalent payable by him/her in Form II.

Provided that the security deposit shall be deposited in the name of Principal Chief Conservator of Forests-cum-Secretary as Term Deposit Receipt for 5(five) years to be renewed by the user thereafter.

**7. Grant of Permission to use natural water**

On payment of natural water tax as provided in rule 6 and signing of an agreement in format provided in Annexure-A the Conservator of Forests (Territorial) shall issue a permission in Form III which shall be valid for a period of 1(one) year.

Provided that a new permission shall be issued after expiry of the validity of the previous permission on payment of natural water tax as provided in rules 4 to 6.

**8. Metering**

The competent authority shall install or cause to be installed flow meters within the premises of the user of natural water or at the location of every user or at such other place where the competent authority deems fit for the purposes of measuring the supply of natural water to such user.

**9. Disconnection of Supply**

If any user fails to pay water usage charges within 1(one) month of expiry of validity of the earlier permission, the competent authority may, serve 1(one) month's prior notice in writing and shall cancel the permission and suspend the intake of natural water by the user till such time a new permission is obtained as provided in these rules.

**10. Recovery of dues**

On cancellation of permission as provided in rule 9, the competent authority shall recover any dues standing against the name of the user from the security deposit.

**11. Power to amend the Schedule**

The State Government may, by notification in the Official Gazette, add to or delete any items in the Schedule as deemed necessary.

**Dr. Thomas Chandy, IFS  
PRINCIPAL SECRETARY -cum- PCCF  
FORESTS, ENVIRONMENT AND WILDLIFE MANAGEMENT DEPARTMENT  
GOVERNMENT OF SIKKIM**

### **SCHEDULE**

(See rule 4)

<b>SL. NO.</b>	<b>CATEGORY OF USE</b>	<b>USAGE CHARGES</b>
1.	Water usage charges of natural water for industrial purpose	Rs. 50 per KL
2.	Hydroelectric plants: i. For Hydro electric plants with head upto 30m: ii. For Hydro electric plants with head from 31m to 60m: iii. Hydro electric plants with head from 61m to 90m: iv. For Hydro electric plants with head above 90m:	Rs 0.05/Cum Rs 0.12/Cum Rs 0.15/Cum Rs 0.25/Cum
3.	Industrial construction purpose / Water usage in Crusher Machines	Rs. 0.25 per cum or Rs 10 per TPH per month.

**FORM – I**

**(See rule 5)**

**Natural Water Connection Application Form**

**Application No:** .....

**Photo**

To,

The Conservator of Forests (Territorial)  
Forests, Environment and Wildlife Management Department  
Government of Sikkim  
Gangtok

Dated \_\_\_\_\_/

Sir,

I/We request for your kind permission to draw natural water for

.....  
.....  
.....

I/We shall abide by the standing rules/regulation and directives.

Yours faithfully

**(SIGNATURE & SEAL OF THE APPLICANT/ORGANIZATION)**

**(TO BE FILLED IN CAPITAL LETTERS)**

1. Name / Designation of the applicant:
2. Correct mailing address:
3. House No: With location:
4. Name of the Department/ Organization:
5. Water is required for (Tick Mark)
  - a). Drinking/construction/Factory use/Institution/Commercial/Specific other uses:  
\_\_\_\_\_
  - b). State Government/ Private/Central/Others: \_\_\_\_\_
  - c). Quantity required: \_\_\_\_\_ Kiloliters/Cum. per day/per month/per year
6. Details of premises (Tick Mark):  
R.C.C/Non R.C.C/Others: \_\_\_\_\_
7. Period of Water Supply requirement (Tick Mark)  
Permanent/Temporary/Requirement for construction/other uses: \_\_\_\_\_

I/We hereby certify that the above information are true and any subsequent changes contemplated shall be notified to the Department 15 (fifteen) days prior to effecting such changes.

I/We hereby fully agree that apart from other reasons prescribed in the rules natural water connection may be disconnected in the event I/We violate any rules or regulation of the State Government.

I/We hereby declare that I/We am/are the owner/owners of the premises mentioned in the application and entire liability of payment of Natural Water Tax or other, dues and fines shall rest on me/us or on the person whomsoever / the Ownership/liability if legally transferred.

**Signature:.....**

**Applicant:.....**

HEAD OF THE DEPARTMENT/OFFICER  
(in case of Govt. Agency)

**FOR OFFICE USE ONLY**

Applicant \_\_\_\_\_ (name & address) has applied for use of natural water at \_\_\_\_\_ (address of place where water is to be used). The applicant's requirement of \_\_\_\_\_ Kiloliters/Cum. per day/per month/per year is available and the following identification no. \_\_\_\_\_ is allotted to the applicant.

**SEAL :**

**DATE :**

**DIVISIONAL FOREST OFFICER  
(TERRITORIAL DIVISION)**

FORM - II

(See rule 6)

GOVERNMENT OF SIKKIM  
FORESTS ENVIRONMENT AND WILDLIFE MANAGEMENT DEPARTMENT  
DEORALI, GANGTOK

No: \_\_\_\_\_/

Date: \_\_\_\_\_/

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SUB : NATURAL WATER SOURCE CONNECTION INTIMATION LETTER FOR PAYMENT-REGARDING.**

Dear Sir/Madam,

With reference to your application No: \_\_\_\_\_ dated- \_\_\_\_\_ on the above subject, you are hereby advised to deposit the following sum in the State Bank of Sikkim, Gangtok, under the head (s) noted below and produce the receipt (s) in the office of the undersigned for further necessary action:

**1. Temporary Deposit Receipt drawn in favour of Principal Chief Conservator of Forest-cum-Secretary of Forests, Environment and Wildlife Management Department**

Security deposit Rs. \_\_\_\_\_ /- (Equivalent to 3 months' tax)

Other charges Rs. \_\_\_\_\_ /-

(Rupees) \_\_\_\_\_ only

**2. Charges to be credited under head – (I) 0406 – Forestry and Wildlife**

01 – Forestry

008 – Other Receipt

04 – Other Misc Receipt

(i) Connection charge Rs. \_\_\_\_\_ /- (at the time of initial connection)

(ii) Natural water tax :  
Monthly/Yearly

(Rupees) \_\_\_\_\_ only for \_\_\_\_\_ Kilotres/Cum per day/per month/per year

3. Size: .....Kilolitres/cum per day/per month/per year

4. Identification Number for connection.....

Total Rs. \_\_\_\_\_ (Rupees) \_\_\_\_\_ only

Yours faithfully,

**CONSERVATOR OF FOREST(T)  
(TERRITORIAL CIRCLE)  
FORESTS, ENVIRONMENT AND WILDLIFE MANAGEMENT DEPARTMENT  
GOVERNMENT OF SIKKIM**

5. I/We have read the contents of this document. I fully agree and abide by the provision of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1998 and the Sikkim Forest Levy of Natural Water Tax Rules, 2015,

**SIGNATURE OF APPLICANT**

**6. FOR OFFICIAL USE ONLY:-**

Received payment of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ only vide B.R./

Cheque No: \_\_\_\_\_ for Rs. \_\_\_\_\_ and TDR

No: \_\_\_\_\_ dated \_\_\_\_\_ for Rs \_\_\_\_\_

**Seal:**

**Date:**

**BILLING CLERK**

**7. Important:**

Applicant ought to sign this document and return to the authority alongwith Bank Receipt and Temporary Deposit Receipt as indicated at clauses 1 and 2 above.



**FORM III**

**(Seerule-7)**

**GOVERNMENT OF SIKKIM  
FORESTS ENVIRONMENT AND WILDLIFE MANAGEMENT DEPARTMENT  
DEORALI, GANGTOK**

**Consumer Index No:** \_\_\_\_\_/

**Date:** \_\_\_\_\_/

**PERMISSION FOR CONNECTION**

With reference to your Application No: \_\_\_\_\_ dated \_\_\_\_\_, permission for connection of natural water is hereby granted to Shri/Smt./Ms. \_\_\_\_\_ son/daughter/wife of \_\_\_\_\_ at his/her/their premises of

\_\_\_\_\_ located at \_\_\_\_\_  
\_\_\_\_\_.

Further, Sikkim Forest Natural Water Tax shall be levied from \_\_\_\_\_ day of \_\_\_\_\_ month \_\_\_\_\_ year.

**CONSERVATOR OF FOREST  
(TERRITORIAL CIRCLE)  
FORESTS, ENVIRONMENT AND WILDLIFE MANAGEMENT DEPARTMENT  
GOVERNMENT OF SIKKIM**

## **ANNEXURE - A**

### **MEMORANDUM OF AGREEMENT BETWEEN DEPARTMENT OF FOREST, ENVIRONMENT AND WILDLIFE MANAGEMENT, GOVERNMENT OF SIKKIM AND \_\_\_\_\_**

The Memorandum of Agreement (MoA) is made on this the .....day of .....of 2015 (.....) at Gangtok, between the Governor of Sikkim, through the PCCF-cum-Principal Secretary, Forest, Environment and Wildlife Management Department, Government of Sikkim hereinafter referred to as the "First Party" (which expression shall, unless excluded by or repugnant to the context, be deemed to include his executors, administrators, representatives and assigns) of the ONE PART

**AND**

The.....represented by.....hereinafter referred to as the "Second Party" (which expression shall, unless excluded by or repugnant to the context, be deemed to include their executors, administrators, representatives and assigns) of the OTHER PART.

WHEREAS the First party is engaged in the administration of protection and management of forests, environment and wildlife and watersheds containing these resources and is empowered to regulate the usage of natural water under Section 31 of the Sikkim Forests, Water Courses and Road Reserve (Prevention and Protection) Act, 1988 (6 of 1988),

AND WHEREAS the Second party is a/an .....registered under.....and is engaged in .....in Sikkim.

NOW THEREFORE this agreement is witnessed and is hereby agreed by and between the parties as follows:-

1. The second party shall abide by the rules relating to usage of natural water and pay the relevant tax and other charges as prescribed under the Sikkim Forest Levy of Natural Water Tax Rules, 2015 to the first party.
2. The second party shall not tap any other natural water source except the one for which permission has been granted to him without the approval of the first party.
3. The second party shall ensure that no land or forest degradation is caused by the process of tapping or usage of natural water as permitted under the rules, nor water of any other source or stream polluted or contaminated due to tapping or usage of natural water.

4. The second party shall not sublet the natural water granted to it to any other industry or agency or person.
5. The second party shall use the natural water permitted to it only for the purpose for which it has been permitted by the first party.
6. The second party shall ensure that the natural flow of water in its channel is not disturbed due to its usage of natural water and its usage shall not cause flooding, erosion, landslides or any other form of calamity leading to loss of human life or property and in the event of such a happening shall be liable to payment of such damages as may be determined by the first party or other competent authority apart from being liable to any other legal action.
7. The second party shall ensure that its tapping or usage of natural water shall not degrade or destroy the habitat of wildlife.
8. The first party shall ensure that water permitted to be used by the second party is not diverted to other use to the detriment of the second party.

**For the First Party**

**For the Second Party**

**PCCF-cum-Principal Secretary Forest**

.....

**Government of Sikkim**

.....

***For and on behalf of the Governor of Sikkim***

**WITNESSES**

1.		1.	
2.		2.	

